

Here's some new HIPAA Info, including a number of new conferences!!! My  
"Thanks!!!" to all who contributed info!!!!  
Ken

[hipaalive] Healthcare Computing Strategies, Inc. - Information Security &  
Privacy Officers

HEDIC Annual Conference- March 27 - 29, Las Vegas

Press Release: 1st Annual Privacy & Data Protection Summit, May 2-4

Press Release: National Congress Health Care Compliance April 22-24

LA Time's Privacy Article

\*\*\*\* [hipaalive] Healthcare Computing Strategies, Inc. - Information Security &  
Privacy Officers \*\*\*\*\*

Healthcare Computing Strategies, Inc. ©  
(Ver. 2.0) Information Security Officer - Job Description

The Information Security Officer designs, develops and implements security changes and enhancements to the Information Technology (IT) computing environments. The Information Security Officer is responsible for determining appropriate security measures and creating policies and procedures that monitor and control access to system resources and data. The Information Security Officer will update security standards as necessary and is responsible for the prevention, detection, containment and correction of security breaches.

Requirements:

- Oversees the establishment, implementation and adherence to policies and procedures that guide and support the provision of information security services
- Conducts risk assessments and risk analysis to help the organization develop security standards and procedures that support strategic, tactical and operational objectives on a cost-effective basis
- Makes recommendations on appropriate personnel, physical and technical security controls
- Manages the Information Security Incident Reporting program to ensure the prevention, detection, containment and correction of security breaches
- Participates in resolving problems with security violations
- Responsible for the content (and in some cases the delivery) of information security seminars and training classes
- Coordinates the communication of information security awareness to all members of the organization
- Certifies that IT systems meet predetermined security requirements
- Strives to maintain high system availability
- Works with vendors, IT associates, and user departments to enhance information security

General Skills:

- Good verbal and written communication skills

- A high level of integrity and trust
- Knowledge of security hardware and software products that comply with current industry standards.
- Knowledge and understanding of technology-related state and federal regulations

Professional Certifications:

- Certified Information Systems Security Professional (CISSP®)
- Or
- Certified Information Systems Auditor (CISA®)

This position description is intended to describe the general requirements for this position. It is not meant to an exhaustive statement of duties, responsibilities and requirements.

\*\*\*\*\* Privacy Officer \*\*\*\*\*

Healthcare Computing Strategies, Inc. ©  
(Ver. 1.1) Corporate Privacy Officer - Job Description

The Corporate Privacy Officer oversees the development and implementation of corporate-wide privacy principles, policies and practices. The Corporate Privacy Officer is responsible for coordinating all corporate activities with privacy implications, as well as monitoring all of the organization's services and systems to assure meaningful privacy practices. The Corporate Privacy Officer also advocates and protects patient privacy by serving as a key privacy advisor for patients, handling disputes and managing patient requests regarding their medical record.

Requirements:

- Coordinates corporate privacy activities which include overseeing the establishment, implementation and adherence to corporate policies on patient privacy, confidentiality and release of patient information
- Reviews new or revised government healthcare laws and regulations pertaining to patient privacy to determine if new policies or modifications of current policies are needed
- Conducts privacy risk assessments and internal privacy audits
- Manages patient privacy-disputes and requests for changes to their medical record
- Increases the public's awareness of the organization's efforts to preserve patient privacy
- Oversees the development and delivery of privacy training and awareness.
- Works closely with Health Information Management, Information Technology and Marketing departments
- Ensures that record custodians correctly protect and archive patient information
- Ensures that the organization's privacy protections keep pace with technological advances

- Participates in outside healthcare organizations for keeping updated on privacy developments and "best practices" for patient privacy
- Reports to the organization's executive officers on emerging legislation/regulations and how the company is currently dealing with privacy issues

General Skills:

- Good verbal and written communication skills
- A high level of integrity and trust
- Knowledge and understanding of technology-related law and public policy experience, clinical research and related issues

Professional Certifications or Experience:

- Registered Health Information Administrator (RHIA)

This position description is intended to describe the general requirements for this position. It is not meant to an exhaustive statement of duties, responsibilities and requirements.

HEDIC Annual Conference- March 27 - 29, Las Vegas

\*\*\*\*\* HEDIC Annual Conference- March 27 - 29, Las Vegas

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>>> "Schreiber, Rick (DHS-PSD)" <[RSchreib@dhs.ca.gov](mailto:RSchreib@dhs.ca.gov)> 03/26/01 11:53AM

>>>

Ken-

Also- HEDIC Annual Conference- March 27 - 29, Las Vegas

[www.hedic.org](http://www.hedic.org)

\*\*\*\*\* Press Release: 1st Annual Privacy & Data Protection Summit, May 2-4 \*\*\*\*\*

>>> "John Campbell" <[jjcampbell@computer.org](mailto:jjcampbell@computer.org)> 03/23/01 05:07PM >>>

-----Original Message-----

From: [Biomednews@aol.com](mailto:Biomednews@aol.com) [<mailto:Biomednews@aol.com>]

Sent: Thursday, March 08, 2001 6:22 PM

To: undisclosed-recipients:

Subject: Press Release: 1st Annual Privacy & Data Protection Summit, May 2-4

Press Release

Contact: Melissa Horowitz

800-546-3750 toll free phone

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HREF="<mailto:melissa.horowitz@rmpinc.com>">[melissa.horowitz@rmpinc.com](mailto:melissa.horowitz@rmpinc.com)</

A>

NATION'S CHIEF PRIVACY OFFICERS, REGULATORS & DATA PROTECTION SPECIALISTS

GATHER TO DISCUSS PRIVACY PROGRAM DEVELOPMENT, REGULATION & LAW

1st Annual Privacy & Data Protection Summit

The Leading Forum on Confidentiality, Security, Regulatory Requirements & Technology Tools

May 2-4 Crystal Gateway Marriott -- Crystal City, Virginia

<A

HREF="<http://www.privacyassociation.org>"><http://www.privacyassociation.org>

</A>

WASHINGTON DC USA -- MARCH 6, 2001 -- MEDICAL INDUSTRY E-MAIL NEWS

SERVICE(tm) -- Leaders in the privacy and data protection field representing healthcare, financial services, insurance, high technology, e-commerce, government contractors, Fortune 500 companies, academia and more, will gather at the Privacy Officers Association's ("POA") First Privacy & Data Protection Summit at the Crystal City Gateway Marriott (near Washington DC & Ronald Reagan National Airport) on May 2-4, 2001.

See additional details at: <A HREF="<http://www.privacyassociation.org>"><http://www.privacyassociation.org></A>

FOCUSES ON EMERGING PRIVACY & DATA PROTECTION ISSUES:

This groundbreaking educational event focuses on today's emerging privacy and data protection issues -- how to build and maintain a privacy program while effectively navigating the ever growing regulatory and legal environment.

Leading experts from government and industry will address a wide range of critical topics during this two-day seminar and half day pre-conference.

"This Summit was born out of real demand by those charged with building and operating privacy and data protection programs, to have a first class educational and networking event. Also, to hear from the regulators charged with the oversight of privacy issues," says Brent Saunders, JD, MBA, founder of the Privacy Officers Association, the nation's leading nonprofit membership association for privacy professionals.

SPONSORING ORGANIZATIONS:

Sponsors and cosponsors of the Summit include:

SPONSORED BY:

-- Privacy Officers Association

#### CORPORATE SPONSORS INCLUDE:

- Epstein Becker & Green
- Ernst & Young
- McDermott, Will & Emery
- Metris Companies Inc
- PricewaterhouseCoopers
- Protegrity Inc
- Sidley & Austin

#### KEY GOVERNMENTAL OFFICIALS TO SPEAK:

The Summit will feature representatives from the major governmental agencies that are charged with protection privacy, plus the nation's leading experts in privacy, including:

- Patricia L Alberto, Sr VP Compliance & Operational Risk Management, Chase Manhattan Corp
- Sheila Anthony, Commissioner, US Federal Trade Commission
- Alfred Arsenault Jr, Chief Security Architect, Diversinet Corp
- John Bentivoglio Esq, Partner, Arnold & Porter and Former, Chief Privacy Officer, US Dept of Justice
- Pat Cain, Security Officer, Genuity
- Fred Cate, Professor of Law and Director of the Information Law & Commerce Institute, Indiana University School of Law, and Author Privacy in the Information Age
- Stephen L Durkee, VP Privacy Implementation, Citigroup Credit Services Inc
- Donna Z Eden, Sr Attorney, Office of General Counsel, US Dept of Health & Human Services
- Keith Enright Esq, Chief Privacy Officer, Lucira
- Ray Everett-Church Esq, Managing Member, Privacy Clue LLC
- Joe Feliu, VP Operations/CIO, Visto Corp
- Mari J Frank Esq, Privacy Rights Clearinghouse
- Janice Forsyth Esq, Chief Compliance Officer, Express Scripts
- Beth Givens, Exec Director, Privacy Rights Clearinghouse
- Kathleen Hamilton, Director, California Dept of Consumer Affairs
- Trevor Hughes, Director of Privacy & Corporate Counsel, Engage
- Toby M Levin Esq, Team Leader, Internet Advertising, US Federal Trade Commission
- Bob Lewin, CEO, TRUST e
- John Lucich Esq, Intl President of the High-Tech Crime Network, and Member of the US Secret Services Electronic Crime Task Force
- Arthur Miller Esq, Bruce Bromley Professor of Law and Associate Director, Berkman Ctr for Internet & Society, Harvard Law School
- Cindy Nichols, Chief Privacy Officer, HCA
- Walter O'Brien, Exec Director, Privacy Leadership Initiative
- Nuala O'Conner, VP Data Protection & CPO, Email/Emerging Technologies
- Harriet Pearson Esq, Chief Privacy Officer, IBM
- Stephanie Perrin, Chief Privacy Officer, Zero Knowledge Systems

- Jules Polonetsky, Chief Privacy Officer, Double Click Inc
- Agnes Bundy Scanlan, Managing Director of Corporate Privacy, Fleet Boston Financial
- David A. Stampley Esq, Asst Attorney General, Internet Bureau, Office of the Attorney General, State of New York
- Peter Swire PhD, Professor of Law, Ohio State Univ and Former Chief Counselor for Privacy, Office of Mgmt & Budget, Exec Office of the President
- Jason Taule, Global Director, Information & Security Practice, Ajilon
- Joel Winston, Acting Associate Director, Bureau of Consumer Protection, US Federal Trade Commission
- John D Woodward Jr PhD, Sr Policy Analyst, RAND

#### OVER 50 NATIONAL EXPERTS:

Over 50 national experts in privacy and data protection will analyze and discuss:

- growing profession of the privacy officer
- privacy program development
- applicability of law, regulation and data protection to today's corporate enterprise

These subjects are included in a variety of plenary and 25 concurrent sessions.

#### ALSO FEATURES A PRE-CONFERENCE SYMPOSIUM:

The Summit will also feature a pre-conference symposium on Wednesday, May 2nd, to provide one of the first privacy officer training courses in the nation and a primer on privacy for the beginner.

#### FOR FURTHER INFORMATION, PLEASE CONTACT:

For sponsor, exhibitor and registration information, please visit the Summit website at

<A

HREF="<http://www.privacyassociation.org>"><http://www.privacyassociation.org>

</A>

or contact Melissa Horowitz at:

800-546-3750 phone or via email at:

<A

HREF="<mailto:melissa.horowitz@rmpinc.com>">[melissa.horowitz@rmpinc.com](mailto:melissa.horowitz@rmpinc.com)</

A>

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EDITOR'S NOTE: To be deleted from this press release distribution list for

announcing upcoming medical meetings, please type in the memo field (subject field) "PLEASE DELETE" and e-mail it to:

<A HREF="<mailto:webmaster@ehc-info.com>">[webmaster@ehc-info.com](mailto:webmaster@ehc-info.com)</A>

That's all; no need to phone or fax or anything else.

Please allow a minimum of approx. 1 week to take effect (sorry, but it does NOT take effect in 3 seconds). If we have a question regarding your particular e-mail address, we will e-mail you back.

PLEASE NOTE: If you have multiple e-mail screen names or multiple e-mail addresses, or an e-mail address that is in any way different from your screen name that we would be seeing in your e-mail back to us, also PLEASE TYPE IN THOSE ADDITIONAL ADDRESS(ES) IN YOUR E-MAIL TO US. OTHERWISE, WE WON'T BE ABLE TO LOCATE IT TO DELETE AND YOU WILL CONTINUE TO RECEIVE PRESS RELEASES.

[If you have 6 screen names or 6 separate addresses, and you only provide one address for us to delete, that is the only one that will be deleted.]

ALSO, WHILE WE TRY DILIGENTLY TO COMPLY WITH ALL DELETE REQUESTS, PLEASE UNDERSTAND THAT TELLING US THAT YOUR ADDRESS TO DELETE IS "UNDISCLOSED RECIPIENTS," DOES NOT HELP US TRACK DOWN YOUR PARTICULAR E-MAIL NUMBER. THAT IS BECAUSE ALL RECIPIENTS IN OUR LIST ARE CALLED "UNDISCLOSED RECIPIENTS." THEREFORE, YOUR E-MAIL ADDRESS CANNOT BE DIFFERENTIATED FROM THE OTHER E-MAIL NUMBERS. Thank you for your assistance & understanding.

This press release, as a news announcement, is in full compliance with any applicable state or federal laws, according to attorneys.

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\*\*\*\*\* Press Release: National Congress Health Care Compliance April 22-24 \*\*\*\*\*

>>> [jcampbel@co.la.ca.us](mailto:jcampbel@co.la.ca.us) 03/23/01 05:06PM >>>

-----Original Message-----

From: [Biomednews@aol.com](mailto:Biomednews@aol.com) [<mailto:Biomednews@aol.com>]

Sent: Friday, March 23, 2001 11:50 AM  
To: undisclosed-recipients:  
Subject: Press Release: National Congress Health Care Compliance April 22-24

Press Release

Contact: Marcie Pallante

800-546-3750 toll free phone

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HREF="<mailto:marcie.pallante@rmpinc.com>">[marcie.pallante@rmpinc.com](mailto:marcie.pallante@rmpinc.com)</A>

4TH ANNUAL NATIONAL CONGRESS ON HEALTH CARE COMPLIANCE  
APRIL 22-24, 2001 -- GRAND HYATT HOTEL -- WASHINGTON DC

<A

HREF="<http://www.compliancecongress.com>"><http://www.compliancecongress.com>  
</A>

Nation's Leaders In Health Care Compliance Gather With Representatives Of  
The New Bush Administration, To Discuss The Future Of Governmental  
Enforcement,  
Prosecution Initiatives & Responsive Compliance Strategies

WASHINGTON DC USA -- MARCH 23, 2001 -- MEDICAL INDUSTRY E-MAIL  
NEWS

SERVICE(tm) -- Leaders in health care compliance from across the nation will  
convene in Washington DC to meet with representatives from all major  
governmental agencies charged with the enforcement and prosecution of the  
laws and regulations governing healthcare finance and delivery

They will discuss the enforcement priorities of the new Bush administration  
at the upcoming 4th Annual National Congress on Health Care Compliance,  
April  
22-24, 2001, at the Grand Hyatt Hotel in Washington DC.

#### ANALYZE & DEBATE ENFORCEMENT

Over 75 noted experts in health care compliance will analyze and debate the  
major governmental and private sector enforcement. Also on the agenda are  
prosecutorial initiatives and appropriate responsive compliance programs and  
strategies through a variety of plenary and over 30 concurrent sessions.

#### COMPLEX REGULATORY & COMPLIANCE ISSUES

The Symposium will address a variety of complex regulatory and compliance



issues, including:

- update on health care privacy, data security and HIPAA compliance,
- roundtable discussion of health care qui tam litigation
- analysis of quality of care enhancement and medical error reduction as a compliance issue
- update on fraud and abuse enforcement
- reports on Stark II, the provider-based regulations, negotiating corporate integrity agreements, antitrust compliance, APCs, etc.

## VENDOR DEMONSTRATIONS

Special Session: Technology Tools for Compliance Programs

On Sunday, April 22 from 1:00 pm to 5:00 pm, the Congress offers a special series of vendor demonstrations of new products and services, which aid in achieving compliance with applicable law and regulation. Attendance at these

vendor demonstrations is free of charge. Featured vendors are listed below.

## SPONSOR

Health Care Compliance Association

The Congress is sponsored by the Health Care Compliance Association, the nation's leading nonprofit membership association of health care compliance professionals in the US. For more information about HCCA, go to:

<A HREF="<http://www.hcca-info.org>"><http://www.hcca-info.org></A>

888-580-8373 phone

Continuing Education

The Symposium will offer continuing education credit in the following categories: ABA MCLE, ACHE, ACMPE, ACPE, AHIMA, CME, CAN (Nursing), HCCB, and NASBA.

Sponsorship and Registration

For sponsor, exhibitor and registration information, please go to the Symposium website:

<A  
HREF="<http://www.compliancecongress.com>"><http://www.compliancecongress.com>  
</A>

or contact Marcie Pallante

800-546-3750 toll free phone (US only)

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HREF="<mailto:marcie.pallante@rmpinc.com>">[marcie.pallante@rmpinc.com](mailto:marcie.pallante@rmpinc.com)</A>

## FEATURED FACULTY & VENDOR DEMONSTRATIONS:

### Expert Faculty

The Congress will feature representatives from the major governmental agencies charged with the enforcement of the laws and regulations applicable to the health care sector. They are the nation's leading health care compliance professionals, consultants and legal counsel, including:

- Bill Altman JD MA, VP of Compliance, Vencor, Inc.
- John Bentivoglio Esq, Partner, Arnold & Porter, & Former Chief Privacy Office, Dept of Justice
- Paul Berger Esq, Asst Director, Enforcement Div, Securities & Exchange Commission
- Anthony Boswell, Chief Compliance Officer, Laidlaw, Inc.
- Janet Corrigan, Dir, Institute of Medicine
- Susie Draper, Compliance Administrator, Intermountain Health Care
- Donna Eden Esq, (Invited), Sr Attorney, Office of the General Counsel, DHHS
- Richard Feinstein Esq, Asst Director, Bureau of Competition Healthcare Div, FTC
- Robert Freeman, Assoc. General Counsel, Blue Cross & Blue Shield
- Bruce Merlin Fried Esq, Partner, Shaw Pittman; Former Dir, Ctr Health Plans & Providers, HCFA
- Marvin Friedlander Esq, Chief Technical Branch 1, Exempt Organizations Div, IRS
- Barbara P Fuller JD RHIA, Sr Policy Advisor, National Human Genome Research Institute, NIH
- Alan Goldberg Esq, Partner, Goulston & Storrs
- Michael C. Hemsley, VP, Corporate Compliance & Legal Services, Catholic Health East
- David Hoffman, Asst US Attorney, U.S. Attorneys Office, Eastern Dist. Of Pennsylvania
- Robert Homchick Esq, Partner, Davis Wright Tremaine
- Chauncey J. Hunker PhD, VP, Continuous Quality Improvement, Sundance Rehabilitation Corp
- Kristen Jenkins, District Compliance Officer, JPS Health Network
- Al Josephs, Dir of Corporate Compliance, Hillcrest Health System
- Edward D. Jones III, President & CEO, HIPAA Corporation & Chair-Elect, WEDI
- Todd Kerr, CCO, Life Point Hospital
- William J. Mahon, Executive Dir, National Healthcare Anti-Fraud Association
- Vickie McCormick JD, Corporate Integrity Officer, United Health Group

-- Lewis Morris Esq, Asst Inspector General for Legal Affairs, Office of Inspector General  
-- Judge Diane Murphy, Chair, Federal Sentencing Commission  
-- Andy Penn, Office of Inspector General  
-- Dan Roach, VP/Corporate Compliance Officer, Catholic Healthcare West  
-- Brent Saunders JD MBA, Dir, PricewaterhouseCoopers, & Past President, HCCA  
-- Mamie Segall, Esq., VP, Medica Health Plans  
-- JoAnne E. Sensheimer, Coordinating Stark II Regulations, Health Care Financing Admin  
-- James Sheehan Esq, Asst U.S. Attorney & Chief, Civil Div., Eastern Dist. Of Pennsylvania  
-- Roy Snell, CEO/Executive Dir, Health Care Compliance Association  
-- Prof. Malcolm K. Sparrow PhD, Lecturer in Public Policy, JFK School of Govt., Harvard University  
-- Honorable Thomas Thompson (Invited), Secretary of Health & Human Services  
-- Tanya Treadway Esq., Asst. US Attorney, Department of Justice  
-- Sheryl Vacca, Dir, West Coast Compliance Practice, Deloitte & Touche  
-- Greg Warner, Dir Compliance, Mayo Foundation & President, Health Care Compliance Assoc  
-- Joseph Ways, Chief, Health Care Fraud Unit, Federal Bureau of Investigation  
-- Howard Young, Office of the Inspector General, U.S. Dept. of Health & Human Services  
-- Alan Yuspeh JD, Sr VP Ethics, Compliance & Corporate Responsibility, Director, Health Information Management Services, HCA

#### FOR FURTHER INFORMATION, PLEASE CONTACT

Contact:

Marcie Pallante

800-546-3750 toll free phone

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HREF="<mailto:marcie.pallante@rmpinc.com>">[marcie.pallante@rmpinc.com](mailto:marcie.pallante@rmpinc.com)</A>

\*\*\*\*\* LA Time's Privacy Article

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>>> <[JSwedlow@dpss.co.la.ca.us](mailto:JSwedlow@dpss.co.la.ca.us)> 03/24/01 10:18AM >>>

An article from today's Los Angeles Times that you might find interesting

(See attached file: la times hipaa.doc)

Lobbyists Go Full Tilt in Bid to Ease Patient Privacy Rules

Effort appears to be one of the largest ever undertaken to block implementation of a federal health care regulation.

By ALISSA J. RUBIN, Times Staff Writer

WASHINGTON--A broad coalition of hospitals, HMOs, insurers and pharmaceutical companies has launched an intensive campaign to persuade the Bush administration to scale back a landmark patient privacy regulation approved by former President Clinton.

The lobbying effort appears to be one of the largest ever undertaken to block implementation of a federal health care regulation. It reflects the strength of private-sector opposition to the new rule, as well as the vulnerability of Clinton-era initiatives to reconsideration or reversal by the Bush team.

The regulation, finalized in December, would set strict limits on disclosure and distribution of patients' medical information, prohibiting its use for purposes other than treatment, payment or administration. It was scheduled to take effect April 14, but Health and Human Services Secretary Tommy G. Thompson of the Bush administration has asked for additional public comment and has the authority to prevent the regulation's implementation in its current form.

With just a week to go before the comment period ends, industry groups are working overtime to file written objections to the rule and make their case to Congress and the public. They argue that the regulation is excessively complicated and that compliance would cost billions of dollars over the next 10 years. In addition, they say many patients would find it more difficult to get the health care they need.

"This regulation is not ready for prime time," said Alissa Fox, chief lobbyist for the Blue Cross Blue Shield Assn. "Every law firm in town has a unit working on this--I don't mean a person, I mean a unit. It's full employment for lawyers."

Indeed, a flotilla of press releases and studies about the rule is flooding news organizations and congressional offices. In downtown Washington, many major law firms have created "practice groups" specializing in health care privacy. The lawyers, many of whom were retained originally to help health care organizations comply with the new regulation, are now helping prepare analyses they hope will convince the administration to water it down.

Consumer advocates, doctors and nurses who support the proposed restrictions are mounting a counter-effort to preserve the rule with modifications. But they are far from united: Some think the rule does not go far enough, while others say that even a flawed rule is better than having no protections at all.

"We vigorously oppose any effort to roll back the law. . . . It is essential that we not be swayed by distortions and exaggerations that we fear are part of a strategy to not only delay but also to undermine the regulation," said Jan Lori Goldman, director of the Health Privacy Project at Georgetown University.

#### If No Regulations Now, Perhaps Maybe Never

At this point, there appears to be little middle ground on the issue. Congress worked for more than two years to craft medical privacy legislation, but the effort ultimately stalled. Congress then directed the Department of Health and Human Services to address the issue through regulation and spent nearly a year gathering facts about the use and disclosure of health information.

If the rule is "reopened" and substantially rewritten, it may never be completed, some health care experts fear.

"We all know that Congress spent a lot of years not being able to reach a consensus, and we have already had extended public comment on this regulation. Everybody got something, and nobody got everything," said Sam Karp, chief information officer at the California HealthCare Foundation, which has conducted national surveys on the privacy issue. "We don't have any federal law that protects the privacy of our health care information, so the question is, if the administration delays the regulation, will they ever reach an agreement?"

If overturned, the change would be the latest example of the Bush administration reversing Clinton-era regulations such as costly ergonomic rules and strict standards on arsenic levels in drinking water.

Surveys show most Americans believe medical information should be kept confidential and worry about maintaining privacy in a health care system that increasingly relies on electronic record-keeping. Nearly 1 in 5 people polled by the California HealthCare Foundation said they sometimes withhold information from doctors or pay out-of-pocket for medical services in an effort to limit outside disclosure.

But keeping information secret is increasingly difficult. Patient records are no longer confined to a doctor's locked file cabinet; instead, medical data are routinely distributed, both electronically and on paper, in the form of insurance claims, hospital records, pharmaceutical prescriptions and physician monitoring systems.

There is no federal law barring health care organizations from sharing, selling or trading most categories of patient information. While some patients may not fear disclosure, the prospect is worrisome to others, such as those suffering from a sexually transmitted disease, genetic ailment, mental illness or chronic or terminal disease.

And mistakes do happen. An inadvertent or intentional disclosure, for example, could allow an employer to learn about a terminal disease and dismiss the worker. And several times in recent years, patient medical records have been unintentionally posted on the Internet.

#### Industry Says Rules Could Hamper Care

Hospitals, insurers and pharmacies argue that the free flow of information is essential to good patient treatment as well as prompt payment. HMOs in particular worry that doctors, who have long resented outside oversight of their treatment protocols, may use the rule to justify withholding patient medical records.

The Health and Human Services rule would apply to a wide range of health care providers, including doctors, nurses, hospitals and pharmacists, as well as health insurers, HMOs and other claim-payers. It would require them to set up administrative systems to safeguard patient information, including the appointment of a privacy officer responsible for ensuring that information is used only for treatment, payment or administration.

It would direct providers, whenever possible, to share only the minimum necessary amount of information. Wider distribution would be allowed only if providers obtained specific authorization.

Because providers and insurers routinely share health care information with "business associates," such as computer system operators, auditors and pharmacy benefit managers, the rule would require them to execute contracts binding the third-party firms to the same restrictions.

While the rule's provisions seem reasonably straightforward, its critics say that making them work could prove difficult. When a doctor calls in a prescription, for example, the pharmacy could not fill the prescription and process the insurance claim unless it already had the patient's consent on file. Pharmacies say they would have to set up systems for obtaining and storing consent forms for customers.

"We operate mail-order pharmacies, and we would need to have that individual's consent on file in order to fill a prescription," said Daniel Walden, chief privacy officer for Merck-Medco Managed Care, which helps fill prescriptions for 65 million people and ranks as the nation's largest pharmacy benefit manager. "You'd hate to be in a situation where a patient calls in and expects to be able to have the prescription filled and can't because there's no consent on file."

Even privacy advocates concede that some changes are needed to make implementation of the rule less troublesome for pharmacies but note that Thompson has the authority to make revisions without reopening the rule-making process. Health care groups want to change far more than just that one requirement, according to privacy advocates.

Interviews with industry officials confirm that few of the rule's provisions are acceptable to health care providers.

The influential Healthcare Leadership Council, which represents many of the largest pharmaceutical companies and insurers, issued a report describing many of the regulation's key elements as "unnecessary."

The council leads the Confidentiality Coalition, which was organized five years ago when Congress started working on patient privacy. It hosts regular meetings to share information about the rule's potential effects.

Asked what provisions of the rule should be preserved, council President Mary Grealy cited only two: the right of patients to review and correct their medical data, and the mandatory patient authorization for any disclosure other than for treatment, payment and health care operations.

"It's far more important to handle this correctly than to do it swiftly," Grealy said.

So far, Thompson has been circumspect about his plans, but he has left the door open to rewriting the rule entirely. "There was a lot of confusion about some of the provisions of the privacy thing," he said in a recent congressional hearing.

"We're going to either make changes or leave it the way it is," he said, adding that "if we make major changes, that may delay it somewhat."

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